

## **EXHIBIT 91**

## **Animal Welfare Task Force August 24, 2005 Meeting Summary & Follow Ups**

### **Scope of Program**

Initially the KFT animal welfare program will address the housing, transportation, handling and/or slaughter practices in KFT facilities and by KFT suppliers that manage live animals.

### Rationale

KFT purchases a variety of animal-derived ingredients, such as fluid and dried milk, cheese, meat and shelled eggs. While some of these, like meat and shelled eggs, are procured directly from hatching or slaughter facilities, others such as dried milk are procured indirectly through cooperatives or third parties and KFT has no direct contact with the farms or facilities that handle live animals.

Given KFT's visibility in the dairy category, research was carried out on animal welfare recommendations and stakeholder expectations for dairy cows. The highlights of the research were:

- The California Dairy Research Foundation has developed a voluntary certification program, the California Dairy Quality Assurance Program. While the guidelines appear sound, they do not seem to be well established in the dairy industry and there are a few (often state specific) certifying agencies that administer the program.
- Approximately 80% of dairy farms are part of co-operatives that pool their milk. Identifying which specific farm milk has come from would be impossible, so certification would be needed for the entire co-operative.
- The Food Service group indicated that while animal welfare is an issue being discussed, dairy farming has not been raised as a topic often.

### Follow Ups

Zolin/Pagel – continue to monitor animal welfare issues for dairy farming  
Sveum/Sarachman – inventory animal welfare policies of competitors (meat processors)

### **Animal Welfare Guidelines**

For US, KFT will use the species-specific animal welfare guidelines developed by industry trade associations as the standard for domestic produce. For meat procured outside the US, we will require that those suppliers comply with EU requirements.

The specific guidelines we will follow in the US are:

- Beef, pork and sheep – American Meat Institute
- Egg laying hens – United Egg Producers
- Broiler chickens – National Chicken Council
- Turkey – National Turkey Federation.

#### Rationale

While USDA addresses animal welfare in various laws and regulations, species-specific animal welfare guidelines go above and beyond USDA requirements. These are achievable and auditable and have been reviewed by recognized experts in the field. In the case of red meat, these are widely accepted and adopted throughout the industry, while poultry welfare guidelines are just beginning to be implemented in the U.S.

Kraft would require meat procured outside the US to comply with EU requirements, as these suppliers usually export to the EU as well, and the EU requirements are comprehensive.

From an international perspective, in the EU the current laws are broader, with specific requirements for slaughter and transportation and compliance with EU laws should be sufficient.

#### Follow Ups

Amundson - Develop chart that inventories the commodities KFT purchases from slaughters or animal handlers, the country of origin and applicable animal welfare guidelines by commodity.

#### **Audit Programs**

Third-party audits that verify compliance with species-specific guidelines should be conducted at least once a year. The company performing the audit should be an established auditor in the area of animal welfare. Kraft procurement is in the process of inventorying the audit practices of suppliers; this will be complete by the end of the year.

Results of supplier audits will be communicated to Kraft, but in some cases, results may be confidential. Kraft will in turn release the summary of those audits to key customers as requested, however we will not release the individual results of our suppliers, unless we have specific permission to do so.

For international suppliers, we need to check the EU regulations for performance indicators.

#### Rationale

Third party independent audits are common in the industry, and there are a couple of companies (e.g. Silliker) who conduct most of the audits for our suppliers. Unless Kraft is willing to pay for the audit, it could be difficult to specify an acceptable third-party auditor.

#### Follow Ups

Task force - Discuss development of an audit policy that addresses the following issues:

- How do we get suppliers to meet expectations, if no third party is identified for audit purposes?
- How do we communicate compliance to customers when some supplier audits may be confidential and when in some products it is difficult to track ingredients to a specific supplier?
- What corrective action will KFT implement for suppliers who fail to conduct an audit or who do not meet the guidelines?

#### Follow Ups

Amundson – Complete inventory of supplier audit practices (end of year); discuss corrective action for suppliers that fail audits with procurement.

Regan/Beard – Follow up with Food Service on customer expectations

Hunt – Research EU requirements for key performance indicators (KPIs)

#### **Stakeholder Engagement**

The Task Force will consider engaging with select key customers to gain their perspective on animal welfare, and Kraft's proposed animal welfare policies and practices.

#### Rationale

Research was conducted on the issue of animal welfare in the US, EU and Australia. Highlights were:

- The issue of animal welfare is discussed more broadly in the US. Than other regions.
- Confinement/ space is one of the issues common to most stakeholders and the majority of groups researched oppose factory farming. Confinement is an issue that KFT has little control over and the abolition of factory farming is not something that Kraft would support.

If necessary the Animal Agriculture Alliance might also provide a good perspective on NGOs.

#### Follow Ups

Regan/Beard – Work with Food Service and sales to discuss potential stakeholder engagement with key customers.

Explore Animal Ag Alliance capabilities.

#### **Agenda Items Not Addressed**

These items will be discussed at the next meeting.

1. Newberry Facility  
Currently evaluating practices against NTF guidelines; may need improvement in stunning.

Follow Ups

- Sveum – Identify potential solutions/recommendations to meet NTF guidelines.
- Amundson – Research third-party audit options for Newberry.
- 2. Nabisco Kennels
- 3. KFT Position on Controlled Atmosphere Killing

**Next Meeting**

**Tuesday September 20<sup>th</sup> 2p.m. – 3.30 p.m.**

**Conference Call:**

**Dial In Number – 866 222-0917**

**Participant Code – 678976**

**Host Code - 788217**

## **EXHIBIT 95**



Issues Management

# DRAFT ANIMAL WELFARE POLICY AND PROGRAM RECOMMENDATION

April 2006

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## Draft Animal Welfare Policy and Program Recommendation

Issues Management

The recommendations in this document were developed by the Animal Welfare Task Force. The core members of the Task Force are:

- Curt Amundson – Global Supply Chain, Meat Procurement
- Chris Beard – Global Corporate & Government Affairs, Issues Management
- Josephine Hunt – Global Technology & Quality, Scientific Affairs
- Claire Regan - Global Corporate & Government Affairs Affairs, Issues Management
- Mike Sarachman - Global Technology & Quality, Scientific Affairs
- Bill Sveum - Global Technology & Quality, Scientific Affairs

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## Issues Management

- **Overview of Animal Welfare**
- Proposed Kraft Animal Welfare Policy
- Guidelines, Requirements and Compliance for U.S. Suppliers
- Guidelines, Requirements and Compliance for non U.S. Suppliers
- Potential Risks
- Cost Benefit

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## Issues Management

# Overview of Animal Welfare – Why Does Kraft need an Animal Welfare Policy?

- The issue of animal welfare centers around the humane treatment of animals. The aim is to ensure the optimal care of animals and to minimize suffering.
- Animal welfare is a growing societal concern, especially in the U.S. and E.U. Much of this is a result of society's increased awareness of large scale animal feeding operations.
- Companies throughout the food supply chain (from slaughterers to restaurants) have developed animal welfare policies and programs.
- Some customers are asking Kraft to ensure that the meat products they purchase come from animals which were treated humanely.
- Industry Trade Associations have proactively established animal welfare guidelines, e.g. American Meat Institute (AMI) and National Turkey Federation (NTF)
- Kraft operates one slaughter facility in Newberry, S.C.
- Kraft procures directly from 30 suppliers that slaughter animals.



## Overview of Animal Welfare – Current Status

### Issues Management

- Legislation in the EU offers basic protection to all farm animals in the areas of farming, transportation and slaughter.
- The US has similar laws except that poultry is not covered.
- Many companies in the U.S. go above and beyond their compliance obligations, and also follow voluntary industry guidelines. Many also conduct independent audits to verify their compliance with those guidelines.
- Currently >80% of Kraft's meat suppliers conduct an annual independent audit.
- In the U.S. Kraft purchases meat from 37 suppliers. 95% of these are domestic suppliers.
- In the E.U. Kraft purchases meat from 10 potential suppliers, located in Argentina, Brazil and Uruguay.



## Overview of Animal Welfare - NGO's

### Issues Management

- Animal welfare is not the same as animal rights. Animal rights groups believe animals possess the same rights as humans. They typically oppose the use of animals for any purpose including food, medical testing etc.
- Animal welfare experts have developed common themes on what constitutes humane treatment of animals but differ in opinion on how they should be achieved.
- NGOs are well funded and effective at communicating their animal welfare concerns to consumers. They often highlight issues associated with large scale animal feeding operations.
- NGOs have been key influencers in the development of animal welfare policies by companies such as KFC or McDonald's.
- Dairy farming has not been as prominent an animal welfare issue compared to veal production, animal slaughter and egg production.



## Issues Management

- Overview of Animal Welfare
- **Proposed Kraft Animal Welfare Policy**
- Guidelines, Requirements and Compliance for U.S. Suppliers and Newberry Turkey Facility
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## Proposed Animal Welfare Policy

### Issues Management

The proposed draft policy is:

Kraft believes that animals used to produce food products should be treated humanely. We require that all Kraft facilities and direct suppliers that manage live animals, meet certain animal welfare standards. These standards cover handling, housing, transportation and slaughter as applicable to each operation.

The rationale for this policy is:

- Animal welfare encompasses more than just slaughter, but also transportation, handling and housing.
- Kraft purchases a variety of animal-derived ingredients, such as fluid and dried milk, cheese, meat and shelled eggs.<sup>1</sup> Some of these, like meat, are procured directly from facilities that handle live animals.
- Other ingredients, such as milk and cheese are procured indirectly through cooperatives or third parties and Kraft has no direct contact with the farms or facilities that handle live animals.
- By applying the policy internally and to suppliers that handle live animals (i.e. going one level back in the supply chain) we will cover the slaughter of approximately 90% of the animals that contribute to Kraft meat ingredients. Going one level back will cover the handling and transportation of 60-70% of the animals.



## Proposed Animal Welfare Policy

### Issues Management

- Impact to Kraft
  - The Newberry, S.C. turkey facility is the only Kraft operation that handles live animals.
  - This policy will impact approximately 30 suppliers in the U.S. and approximately 10 meat and X egg suppliers outside of the U.S.

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## Issues Management

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## Requirements and Guidelines - U.S. Suppliers/ Newberry Facility

### Issues Management

- Kraft will require that the Newberry facility and all suppliers who fall within the scope of the animal welfare policy meet certain animal welfare guidelines. Suppliers will acknowledge this through the contracts they sign, and/or through purchase order agreements.
- For the U.S., Kraft will require its facilities and suppliers to meet the species-specific animal welfare guidelines developed by industry trade associations. The specific guidelines are:
  - Beef, pork and sheep – American Meat Institute
  - Egg laying hens – United Egg Producers
  - Broiler chickens – National Chicken Council
  - Turkey – National Turkey Federation

### Rationale:

- Adding standardized language to contracts and purchase orders will mean that suppliers are provided consistent requirements.
- Utilizing industry association guidelines (versus Kraft specific animal welfare guidelines) means that Kraft and its suppliers are following generally recognized industry standards.
- By using external guidelines, we are able to ensure that as animal welfare expectations change and the subsequent guidelines change, both Kraft and its suppliers are keeping up with those expectations.



## Verifying Compliance - U.S. Suppliers/ Newberry Facility

### Issues Management

- The Newberry facility and suppliers will be required to conduct a third-party animal welfare audit on an **annual** basis.
- Suppliers will select their auditors from a KFT approved list of third-party auditors.
- If a supplier does not pass their audit they would be required to report this to Kraft.
- Kraft will have the right to review third-party audits upon request, including during a Quality Audit or a facility inspection.
- If a supplier is not in compliance with the animal welfare guidelines they would be violating the terms of our contract/ purchase order. At such point Kraft could either terminate the contract, or require that the supplier correct the areas of non-compliance and conduct a further audit to ensure that they are meeting the appropriate animal welfare guidelines.
- Kraft will not share supplier audit results with customers but rather will refer to its policy and audit program information.

### Rationale:

- Third-party, independent audits are common in the industry.
- Utilizing existing quality audits and facility inspections, in conjunction with contracts and purchase orders means that Kraft will not be required to create new infrastructure to manage the animal welfare program.
- By having Kraft review, rather than conducting audits ,we are not required to develop new skills sets or expend additional resources.



Issues Management

## Requirements, Guidelines, Compliance - U.S. Facilities

- Impact to Kraft:
  - The Newberry, S.C. facility will be required to comply with NTF guidelines.
  - The Newberry facility will conduct an annual audit that will be performed by a third-party auditor.
  - Prior to performing the first audit at Newberry, we would utilize a turkey welfare expert to assess current operations and suggest improvements.
  - An animal welfare section will need to be added to contracts and purchase orders as they are renewed.
  - Reviewing a supplier's animal welfare audit will be added to Kraft Supplier Quality Audits
- Impact to Suppliers:
  - The impact to suppliers is likely minimal as third-party audits are common in the industry, with several companies (e.g. Silliker) conducting most of the audits for our suppliers. Currently >80% of our meat suppliers conduct audits.
  - Since suppliers are not required to automatically send the audits to Kraft, this means that there is little additional burden on our suppliers.

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## Issues Management

- Overview of Animal Welfare
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- **Guidelines, Requirements and Compliance for non U.S. Suppliers**
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## Issues Management

# Requirements, Guidelines, Compliance – non U.S. Suppliers

- Kraft will also require that all non-U.S. suppliers who fall within the scope of the animal welfare program meet certain animal welfare guidelines. Suppliers will acknowledge this through the contracts they sign, and/or through purchase order agreements.
- For meat procured outside the U.S., we will require that those suppliers comply with E.U. laws and regulations governing animal welfare.
- Non-U.S. suppliers will verify compliance by providing a letter stating that they are in compliance with E.U. laws and regulations governing animal welfare. Additionally Kraft will reserve the right to request a third-party audit to verify compliance.

### The rationale for this approach is:

- From an international perspective it is not practical to have suppliers comply with US industry standards.
- E.U. laws on animal welfare cover transportation, handling, slaughter and housing, with specific requirements for slaughter and transportation.
- The E.U. Food and Veterinary Office (FVO) is responsible for monitoring compliance with E.U. laws governing animal welfare, food safety etc. It conducts inspections in facilities in E.U. member states and countries that export meat products to the E.U. These inspections are rare however, so Kraft will require a letter/ audit.



Issues Management

## Requirements, Guidelines, Compliance – non U.S. Suppliers

- **Impact to Kraft:**
  - Kraft will be required to keep on file letters from non U.S. suppliers which state that they are in compliance with E.U. laws and regulations
  - An animal welfare section will need to be added to contracts and purchase orders as they are renewed.
- **Impact to Suppliers:**
  - Suppliers will be required to either proactively send a letter to Kraft stating that they are in compliance with E.U. laws and regulations, or conduct an annual third party audit to verify compliance.

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Issues Management

## Requirements, Guidelines, Compliance – non U.S. Suppliers

It is important to note that the EU is currently undergoing an extensive review of animal welfare guidelines. Under an initiative scheduled to run through 2010, the EU is focusing on five key goals:

- Raising standards based on scientific data and consumer demand
- Promote research on animal protection and welfare (e.g. creation of a European Centre on Animal Welfare)
- Classifying standards - likely to include KPI's (e.g. a label for products that in are line with certain animal welfare standards)
- Informing and involving (e.g. increased education for consumers)
- Promoting animal welfare internationally

As the EU work continues, Kraft should continue to monitor the progress, especially in areas such as the development of KPI's. Depending on how those KPI's evolve, Kraft may need to adjust how it applies its animal welfare policy to non-US suppliers.

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## Potential Risks

### Issues Management

The potential risks to the proposed animal welfare policy and program are:

- The program may be criticized for only going one level back in the supply chain, especially in the area of housing.
- There is a possibility that contracts can become very customized, making it difficult to maintain consistency across suppliers.
- Some NGO's do not consider U.S. Trade Association industry standards as representing appropriate animal welfare standards.
- For non U.S. suppliers there are few objective KPIs associated with the E.U. laws and regulations
- Since it could be three years or possibly even more between Kraft quality audits of suppliers, it is possible that we would not uncover non-compliance for a period of years.
- It is possible that customers may ask Kraft to share the specific result of our suppliers audits.



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## Cost/ Benefit

### Issues Management

- The potential costs to Kraft are:
  - Annual audit at Newberry facility – approx. \$2000
  - Improvements required at Newberry to meet NTF guideline – TBD
  - Additional time required to update future contracts and purchase orders with an animal welfare section - <40 hours
  - Collection and storage of compliance letters from non U.S. suppliers - <40 hours
  - Additional step involved in Kraft Quality Audit process - minimal
  - Cost to hire animal welfare expert - TBD
- The potential benefits to Kraft are:
  - Kraft is once again demonstrating that it is a responsible company.
  - When customers request that Kraft meet certain animal welfare requirements, we will be able to communicate our policy and program which will be consistent for all our customers. This will allow us to avoid multiple and potentially costly compliance programs.
  - When NGOs or other groups question Kraft's approach to animal welfare we will be able to communicate our policy and program as being in line with standard industry practices.
  - By utilizing an independent expert at the Newberry facility we will add credibility to our program, and independent review is typically viewed positively by animal welfare groups.

## **EXHIBIT 101**

**From:** Amundson, Curtis M.  
**Sent:** Monday, October 30, 2006 4:24 PM  
**To:** Choate, Greg K.; Weiss, Chad E.; Conklin, Terry A.; Gregorich, John W.; Meneses, Javier A.; Soloninka, John M.  
**Cc:** Hite, Greg A.; Paulos, William T.; Rojo, Jose C.  
**Subject:** Animal Welfare Language

The approved animal welfare language for contract and purchase order use is written below. An animal welfare document explaining Kraft's position will be forthcoming. Please move forward in implementing the language as possible in 2007 contracts covering any suppliers that directly handle or slaughter animals for meat, poultry, or eggs supplied to Kraft. The language is not needed for contracts or PO's where a supplier selling to Kraft is obtaining meat, poultry, or eggs from a third party.

Supplier must comply with:

- (i) the Federal Humane Slaughter Act (as applicable); and,
- (ii) industry standards prescribed by (a) the American Meat Institute (specifically "AMI Foundation Recommended Animal Handling Guidelines and Audit Guide, 2005 Edition"), (b) the National Chicken Council (specifically "NCC Animal Welfare Guidelines and Audit Checklist, as of April 2005"), (c) the National Turkey Federation (specifically "NTF Animal Care For the Production of Turkeys: Slaughter Guidelines and/or Production Guidelines"), and (d) the United Egg Producers (specifically "United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks (2006 Edition)") (as applicable).

Supplier must keep up to date and comply with the most recent versions of the above.

Supplier shall maintain United Egg Producers Certified status, if applicable. Supplier shall have audits conducted annually by a third party for AMI, NCC, and NTF standards and will provide the results to Kraft upon request. If Supplier fails an audit, it will immediately notify Kraft, providing the date and location of the failed audit and a detailed remediation plan acceptable to Kraft, including the corrective steps, timeline, and re-audit date. Supplier will fulfill the remediation plan in all respects.

## **EXHIBIT 110**

KRAFT FOODS GLOBAL INC./ROSE ACRE FARMS INC.  
AMENDMENT TO  
EGG PRODUCT SUPPLY AGREEMENT

DATED JUNE 28, 2005

THIS AMENDMENT, effective June 28, 2007, is entered into with respect to that certain Egg Supply Agreement effective the 1<sup>st</sup> day of May 2004 ("Agreement"), between Kraft Foods Global, Inc. ("Kraft") and Rose Acre Farms ("RAF").

This Amendment shall be fully incorporated into the Agreement and any conflict between the Agreement and this Amendment shall be resolved in favor of this Amendment. All capitalized terms used in this Amendment shall have the meaning given them in the Master Supply Agreement or the Agreement (as the case may be), unless otherwise defined herein.

Pursuant to the foregoing, Kraft and RAF specifically agree as follows:

**Contract Term:** The extended term will cover Kraft needs as of July 1, 2007 through June 30, 2008.

**Service Performance:** Kraft requires RAF to self monitor Order Fill and On-Time Deliveries and send monthly updates.

**Pricing Process:** Monthly pricing will be based on the Urner Barry certified markets. On any day that the certified market is not quoted the non- certified market quote will be used. The differential between the non- certified market quote and the certified market quote will be capped at \$4 per hundred-weight (cwt)

**Other Terms:** Kraft Animal Welfare policy will be fully incorporated in this Amendment ( See attached Exhibit).

Our authorized representatives execute this document by signing below. We may sign separate copies.

Rose Acre Farms

MCwCFCdfLrpTgSqa5AY1VIO7IFeW1A  
zAhRt225hP/sJT4mloVT93n/9zJDFiQ==

Kraft Foods Global, Inc.

MC0CFQCRBZ8yr9CUEYw+6hFaK714i1x  
UUQIUJQV7MnaVnzZV+aMYE5SgBrPzfx  
Y=

Signature  
JOSE ROJO

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HIGHLY CONFIDENTIAL

KRA00053201

**DEFENDANTS'**  
**EXHIBIT**  
Case No. 1:11-cv-08808  
**D-0110**

**D-0110-0001 of 0002**

Name	Name
	Director
Title	Title
7/11/2007	7/13/2007
Date	Date

## EXHIBIT

### **Kraft Animal Welfare Policy.**

Supplier must comply with:

- (i) The Federal Humane Slaughter Act (as applicable); and,
- (ii) Industry standards prescribed by (a) the American Meat Institute (specifically "AMI Foundation Recommended Animal Handling Guidelines and Audit Guide, 2005 Edition"), (b) the National Chicken Council (specifically "NCC Animal Welfare Guidelines and Audit Checklist, as of April 2005"), (c) the National Turkey Federation (specifically "NTF Animal Care For the Production of Turkeys: Slaughter Guidelines and/or Production Guidelines"), and (d) the United Egg Producers (specifically "United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks (2006 Edition)") (as applicable).

Supplier must keep up to date and comply with the most recent versions of the above.

Supplier shall maintain United Egg Producers Certified status, if applicable. Supplier shall have audits conducted annually by a third party for AMI, NCC, and NTF standards and will provide the results to Kraft upon request. If Supplier fails an audit, it will immediately notify Kraft, providing the date and location of the failed audit and a detailed remediation plan acceptable to Kraft, including the corrective steps, timeline, and re-audit date. Supplier will fulfill the remediation plan in all respects.